

Message Text

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TO AMEMBASSY KINSHASA IMMEDIATE

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E.O. 11652: N/A

TAGS: SHUM,CG

SUBJECT: ZAIRE HUMAN RIGHTS PAPER

FOLLOWING IS TEXT OF ZAIRE HUMAN RIGHTS STATEMENT AS WE
PROPOSE SENDING IT TO THE CONGRESS. BEFORE DOING SO
WOULD WELCOME YOUR COMMENTS OR SUGGESTIONS.

"HISTORICAL AND INSTITUTIONAL CONSIDERATIONS SHAPE THE
RELATIONSHIP OF THE GOVERNMENT OF ZAIRE TOWARD ITS PEOPLE.
SINCE INDEPENDENCE IN 1960, ZAIRE HAS EXPERIENCED ALMOST
SEVEN YEARS OF CIVIL WAR OR SEMI-ANARCHY. PRESIDENT
MOBUTU'S MAIN TASK AND CONTRIBUTION HAS BEEN TO ESTABLISH
GOVERNMENT AUTHORITY OVER A VAST COUNTRY WITH MORE THAN
200 SEPARATE ETHNIC GROUPS. THERE ARE DIFFERING OPINIONS
ON THE VIABILITY OF A MORE DECENTRALIZED SYSTEM, WHICH
WOULD BE MORE RESPONSIVE TO REGIONAL ASPIRATIONS. IT IS
CERTAIN THAT THE REGIONS FEEL THEY SACRIFICE FOR THE SAKE
OF KINSHASA. AS IN MOST LDCS, THE ZAIRIAN GOVERNMENT
PLACES INDIVIDUAL POLITICAL RIGHTS SUBSTANTIALLY LOWER

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PAGE 02 STATE 302058

ON THE SCALE OF VALUES BELOW ECONOMIC AND SOCIAL DEVELOPMENT
FOR THE COLLECTIVE "GOOD OF THE NATION." THE RECENT ATTACK
ON THE SHABA STRENGTHENED THE SENSE OF INSECURITY ON THE
PART OF THE GOVERNMENT OFFICIALS. TO THE EXTENT THAT THE

SECURITY ENVIRONMENT AND ECONOMIC CONDITIONS IMPROVE, THE
REGIME WILL TEND TO BE MORE RELAXED IN ITS ATTITUDE TOWARD
THE POPULATION, AND THERE WILL BE LESS OCCASION FOR
INCIDENTS OR ARBITRARY BEHAVIOR. THERE WILL CONTINUE TO
BE INCIDENTS, HOWEVER, SO LONG AS THE GOVERNMENT'S ABILITY

TO CARRY OUT ITS WILL DEPENDS ON RELATIVELY UNEDUCATED, UNSOPHISTICATED AND UNDERPAID OFFICIALS WITH ONLY TENUOUS LINES OF CONTROL TO THEIR MINISTRIES IN KINSHASA.

1. RESPECT FOR THE INTEGRITY OF THE PERSON

A. THERE IS LITTLE IF ANY EVIDENCE OF TORTURE BEING ADMINISTERED TO PRISONERS AS A MATTER OF GOVERNMENT POLICY. WHILE THERE IS CERTAINLY SOME PHYSICAL ABUSE, THIS APPEARS TO BE LARGELY THE ACTION OF BADLY PAID AND TRAINED, ILL-DISCIPLINED POLICE.

B. ALTHOUGH ISOLATED INCIDENCES OF CRUEL, INHUMAN OR DEGRADING PUNISHMENT MAY OCCUR, THEY ARE NOT THE RESULT OF ANY CONCERTED GOVERNMENT EFFORT.

THERE ARE OFTEN PHYSICAL HARDSHIPS IN PRISON SUCH AS INADEQUATE, CROWDED CELLS AND POOR SANITARY CONDITIONS.

C. ARBITRARY ARREST AND IMPRISONMENT DOES OCCUR IN ZAIRE. AN UNDERTERMINED BUT APPARENTLY CONSIDERABLE NUMBER OF PEOPLE WERE ARRESTED DURING THE RECENT INVASION OF SHABA PROVINCE. ALTHOUGH MANY WERE RELEASED RELATIVELY QUICKLY, LIMITED OFFICIAL USE
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PAGE 03 STATE 302058

OTHERS WERE DETAINED FOR SOME MONTHS.

IN MORE NORMAL TIMES THE NUMBER OF ARBITRARILY ARRESTED INDIVIDUALS IS RELATIVELY SMALL AND THEY ARE USUALLY HELD ONLY FOR A VERY SHORT PERIOD OF ONE TO SEVERAL DAYS. IT IS DIFFICULT TO DETERMINE WHETHER THOSE ARRESTS ARE PART OF A CENTRAL GOVERNMENT POLICY OR NOT, BUT MANY OF THESE ARRESTS DO APPEAR TO BE UNCOORDINATED ACTIONS BY OVERZEALOUS LOCAL OFFICIALS.

D. UNDER THE ZAIRIAN LEGAL SYSTEM, PERSONS CHARGED WITH COMMITTING NON-POLITICAL CRIMES ARE ENTITLED TO A FAIR AND PUBLIC HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL. THOSE ACCUSED OF POLITICAL CRIMES, HOWEVER, DO NOT HAVE RECOURSE TO THE REGULAR COURT SYSTEM. NEVERTHELESS, FORMER FOREIGN MINISTER NGUZA, WHO WAS ARRESTED AND CHARGED WITH TREASON IN CONNECTION WITH SHABA, WAS PROVIDED A PROMPT, PUBLIC TRIAL. HIS DEATH SENTENCE WAS SUBSEQUENTLY COMMUTED TO LIFE IMPRISONMENT.

AMNESTY INTERNATIONAL'S 1977 ANNUAL REPORT NOTED

THE IN CAMERA MILITARY TRIAL AND SENTENCING OF ABOUT FORTY PERSONS IN AN ABORTED JUNE 1975 COUP PLOT. DEATH SENTENCES, WHICH WERE NOT CARRIED OUT, WERE GIVEN TO SEVEN PERSONS, SEVEN OTHERS WERE ACQUITTED, AND 26 WERE

GIVEN TERMS OF SIX MONTHS TO 20 YEARS.

E. INVASION OF THE HOME DOES OCCUR WITH ABOUT THE SAME FREQUENCY AS ARBITRARY ARRESTS AND WITH THE SAME LACK OF CENTRAL COORDINATION AND PURPOSE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - THERE IS A GOVERNMENT EFFORT TO INCULCATE A NATIONAL PHILOSOPHY OF LIMITED OFFICIAL USE
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PAGE 04 STATE 302058

"AUTHENTICITY" WHICH DOES NOT ENCOURAGE THE EXPRESSION OF ALTERNATIVE INTELLECTUAL OUTLOOKS. THE GOVERNMENT DID IMPLEMENT MEASURES TO RESTRICT THE INDEPENDENCE OF RELIGIOUS INSTITUTIONS AND THE PRACTICE OF RELIGION IN 1974 AND 1975. SINCE THEN, HOWEVER, THE GOVERNMENT HAS RETRACTED MOST OF THESE MEASURES AND REACHED AGREEMENT WITH THE CHURCHES WHEREBY FREEDOM OF RELIGION LARGELY HAS BEEN RESTORED. THE GOVERNMENT STILL ACTIVELY MONITORS RELIGIOUS ACTIVITIES AND ON OCCASION MAY INTERVENE IN CHURCH ADMINISTRATION. THERE IS NO RESTRICTION ON THE RIGHT OF ASSEMBLY, EXCEPT FOR POLITICAL PURPOSES. THIS IS BY DEFINITION PROHIBITED UNLESS UNDER THE AEGIS OF THE SINGLE POLITICAL PARTY.

ALTHOUGH ZAIRE'S SOLE LEGAL LABOR MOVEMENT, NATIONAL UNION OF ZAIRIAN WORKERS (UNTZA), IS UNDER THE DOMINATION OF THE RULING PARTY; IT STILL POSSESSES A DEGREE OF INDEPENDENCE. IN AUGUST THE UNION HELD ITS FIRST GENUINE ELECTION SINCE ITS FORMATION IN 1967.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND IMMIGRATION POLICIES - FREEDOM OF TRAVEL IS UNRESTRICTED WITHIN THE COUNTRY. FOREIGN TRAVEL AND EMIGRATION IS GENERALLY UNRESTRICTED BUT THE GOVERNMENT WILL OCCASIONALLY PLACE EFFECTIVE IF UNOFFICIAL OBSTACLES IN THE WAY OF SPECIFIC INDIVIDUALS IT DOES NOT WISH TO LEAVE THE COUNTRY.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS - ZAIRE IS A ONE PARTY STATE, WITH ALL CITIZENS BY LAW BELONGING TO THE SINGLE POLITICAL PARTY. ACCORDING TO THE NEW ELECTORAL LAW OF JUNE 1977, ALL ZAIRIANS 18 YEARS OF AGE AND OLDER MAY VOTE WITH THE EXCEPTION OF THOSE MENTALLY ILL SUBJECTED
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PAGE 05 STATE 302058

TO MILITARY DISCIPLINE WITHIN THE LAST TEN YEARS, GUILTY

OF SERIOUS VIOLATIONS OF PARTY DISCIPLINE, OR RESIDING

ABROAD. LOCAL, REGIONAL AND PARTY ELECTIONS WERE HELD IN OCTOBER WITH RATHER WIDE VOTER PARTICIPATION. TO PARTICIPATE POLITICALLY, A ZAIRIAN CITIZEN MUST BE AN ACTIVE PARTY MEMBER AND ATTEMPT TO OBTAIN POSITIONS IN THE PARTY AND GOVERNMENT. FREEDOM HOUSE RATES ZAIRE AS "NOT FREE".

3. RECENT TRENDS IN GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR SHELTER, HEALTH CARE AND EDUCATION

A. POLICIES RESPONDING TO OR IGNORING NEEDS OF THE POOR - BEGINNING IN 1972-1973 THE GOZ LAUNCHED AN AMBITIOUS PROGRAM OF CAPITAL INVESTMENT CONCENTRATED ON LARGE CAPITAL PROJECTS AND BASED ON AN EXTREMELY HIGH LEVEL OF COPPER EXPORT RECEIPTS. THE PROGRAM TURNED OUT TO HAVE BEEN A SERIOUS MISTAKE, BOTH IN RESPECT TO THE WORTH OF SOME OF THE PROJECTS INITIATED AND THE ASSUMPTION ABOUT THE COUNTRY'S ABILITY TO FINANCE THEM. IN ADDITION THE GOVERNMENT LAUNCHED A PROGRAM OF RADICAL ECONOMIC REFORM INTENDED TO INCREASE NATIONAL CONTROL OVER THE ECONOMY. THIS PROGRAM TOO WAS BADLY PLANNED AND IMPLEMENTED AND THE NATIONALIZATION MEASURES HARMED THE PROPERTY RIGHTS AND GENERALLY USEFUL ROLE OF NON-ZAIRIA RESIDENTS IN ZAIRE. THESE ILL-TIMED EFFORTS COMBINED WITH ADVERSE WORLD ECONOMIC DEVELOPMENTS AND THE CLOSURE OF THE BENGUELA RAILROAD IN ANGOLA, DAMAGED THE ZAIRIAN ECONOMY AND THE WELL BEING OF THE VAST MAJORITY OF THE POPULATION. THE CONCENTRATION UPON INDUSTRY HAS LED TO A SERIOUS NEGLECT OF THE AGRICULTURAL SECTOR WHERE OVER 70 OF THE POPULATION LIVE AND DERIVE THEIR SUSTENANCE.

AT THE SAME TIME, THE GOVERNMENT INITIATED A PROGRAM
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PAGE 06 STATE 302058

OF SCHOOL REFORM, TAKING OVER ALL EDUCATIONAL INSTITUTIONS IN THE COUNTRY (HITHERTO LARGELY CHURCH AND MISSIONARY RUN). THIS PROGRAM SO VITIATED THE EDUCATION SYSTEM THAT IT RESULTED IN SIGNIFICANTLY FEWER EDUCATIONAL OPPORTUNITIES FOR THE POPULATION.

BEGINNING IN 1976, PRESIDENT MOBUTU SET ABOUT UNDOING SOME OF THE DAMAGE: RETURNING PROPERTIES AS AN INDUCEMENT TO EXPATRIATES TO RETURN TO ZAIRE; MAKING PEACE WITH THE CHURCH; RETURNING CONTROL TO BASIC EDUCATION TO THE MISSIONARIES; AND BEGINNING A PROGRAM OF ECONOMIC REFORM TO REDUCE PERSONALISM OF THE ECONOMY. IN EARLY 1976 THE GOVERNMENT ACCEPTED AN INTERNATIONAL MONETARY FUND STABILIZATION PROGRAM. THIS WAS ONLY PARTIALLY SUCCESSFUL.

IN EARLY 1977 THE GOZ COMMITTED ITSELF TO A MORE SEVERE IMF STABILIZATION PROGRAM AND ACCEPTED A NEW SET OF DEVELOPMENT AND MANAGEMENT PRIORITIES INTENDED TO DIVERT GOVERNMENT EFFORT AND NATIONAL RESOURCES TOWARDS THE AGRICULTURAL SECTOR AND RURAL POOR.

B. CORRUPTION DIVERTING RESOURCES TOWARD THE ELITE AND AWAY FROM THE POOR - THE EVIDENCE OF HIGH-LEVEL PROFITEERING AND CORRUPTION HAS INCREASED SIGNIFICANTLY OVER THE PAST FOUR OR FIVE YEARS. THIS DIVERTED SIGNIFICANT RESOURCES TOWARDS THE NATION'S ELITE AND AWAY FROM THE MAJORITY OF THE POPULATION. THE RURAL POPULATION HAS SUFFERED THE MOST. PRESIDENT MOBUTU'S PROGRAM OF ECONOMIC REFORM ALSO ADDRESSED THE PROBLEM OF CORRUPTION.

4. RESPONSIBILITY OF THE GOVERNMENT

THE EXISTING VIOLATIONS OF HUMAN RIGHTS IN ZAIRE ARE PRIMARILY DUE TO THE GOVERNMENT'S INHERENT WEAKNESSES.
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THE ZAIRIAN GOVERNMENT IS CENTRALIZED AND PERSONAL; IT DOES NOT REALLY PRESENT ITSELF AS DEMOCRATIC IN A WESTERN SENSE. IT CLAIMS LEGITIMACY ON THE GROUNDS THAT IT FULFILLS A HISTORIC ROLE AS THE CREATOR OF THE ZAIRIAN NATION AND THE SINGLE PARTY REPRESENTATIVE OF A ZAIRIAN PEOPLE IN THE PROCESS OF FORMATION. IT DOES NOT, THEREFORE RECOGNIZE THE LEGITIMACY OF OPPOSING POLITICAL VIEWS AND WILL USE THE POLICE POWER OF THE STATE TO CONTROL DIVERGENT POLITICAL OPINIONS WHEN IT FEELS ITSELF THREATENED.

ALTHOUGH CENTRALIZED, THE ZAIRIAN GOVERNMENT IS ALSO WEAK AND INEFFICIENT. THE GREATEST AND MOST OBVIOUS SHORTAGE IN ZAIRE IS THAT OF QUALIFIED PERSONNEL AND THE GOVERNMENT IS NO EXCEPTION. THE CIVIL INSTITUTIONS, INCLUDING THE ARMY AND THE POLICE, ARE POORLY TRAINED, ILL-MOTIVATED, ILL-DISCIPLINED, AND POORLY PAID.

THE GOVERNMENT'S RESPONSIBILITY FOR ECONOMIC AND SIMILAR VIOLATIONS OF HUMAN RIGHTS IS MORE MIXED. MUCH OF THE CURRENT ECONOMIC HARDSHIP AFFECTING THE MAJORITY OF ZAIRIANS IS THE RESULT OF GOVERNMENT POLICY. THE RURAL SECTORS HAVE SUFFERED UNDER A SET OF GOVERNMENT DEVELOPMENT PRIORITIES WHICH DISCRIMINATED AGAINST THEM. THE INFLUENCE OF HIGH LEVEL CORRUPTION, OF COURSE, IS NOT GOVERNMENT POLICY BUT DOES STEM FROM THE ATTITUDES OF THE GOVERNING ELITE.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF ZAIRE HAS AN AMBIVALENT ATTITUDE
TOWARDS OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS

VIOLATIONS. IT PERMITS FOREIGN JOURNALISTS AND NUMEROUS
INTERNATIONAL ORGANIZATIONS SUCH AS THE INTERNATIONAL RED
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CROSS, MISSIONARIES AND ESPECIALLY THOSE DEALING WITH
REFUGEE PROBLEMS SUCH AS THE UNHCR AND THE INTERNATIONAL
RESCUE COMMITTEE, TO OPERATE RELATIVELY FREELY. IT IS,
HOWEVER, SENSITIVE TO CRITICISM AND WILL EXPEL OR OTHERWISE
MOVE TO CUT OFF ACCESS TO OUTSIDE CRITICS WHO BECOME TOO
VOCAL AND PUBLIC. AT THE SAME TIME, THE GOVERNMENT IS
SENSITIVE TO CRITICISM THAT IT RESTRICTS OUTSIDE ACCESS.
THIS WILLINGNESS TO PERMIT OUTSIDE INVESTIGATION COMBINED
WITH A TENDENCY TO CUT IT OFF WHEN IT THREATENS TO BECOME
TOO EMBARRASSING HAVE ALSO CONTRIBUTED TO ZAIRE'S POOR
REPUTATION." VANCE

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Message Attributes

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